

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

Margaret Johnson

Plaintiff,

v.

MediSys Health Network, Brookdale Hospital Medical Center, Jamaica Hospital Medical Center, Neighborhood Health Provider LLC, Flushing Hospital Medical Center, David Rosen, The Board of Trustees on MediSys Health Network, The Board of Trustees of Jamaica Hospital Medical Center, The Board of Trustees of Brookdale Hospital Medical Center, The Board of Directors of Neighborhood Health Providers, The Board of Trustees of Flushing Hospital, Neil Foster Phillips, Judge Tim Dufficy, Dr. Alvin Kahn, Geraldine M. Chapey, Ph. D., Mr. Joseph Ferrara, Robert W. Koop, Dr. Anthony DiMaria, Dr. Geoffrey Doughlin, Dr. Hector Estepan, Dr. Antonietta Morisco, Douglas W. Singer, Archic Spigner, John Marus, Edward Birnbaum, Hugh Greenberg, Ascher L. Mestel, MD, R.C. Hugh Nelson, Richard Radutzky, Lowell M. Rubin, Alex Rovt, David I. Schachne, Edwin L. Schulman, Al Silverman, Allen B. Swerdlick, David R. Wilkes, Laurence C. Zale, Honorable Darrell Towns, Steven Plotnick, Esq., Diane Simon, Richard J. Folger, MD, Vito Buccellato, Bruce Flanz, Mounir Doss, Steve Bory, Mr. Michael J. Russo, Mr. Robert Reichenbach, Mr. Dino Guiducci, Charles Balducci, MD, Mr. Anthony Federici, Mr. Henry E. Froebel, Victor Guarneri, MD, Mr. Max Kupferberg, Ahamed Moideen, MD, Alvin I. Orlian, DDS, Mr. David P. Pagan, Mr. John E. Roe, Sr., William Lynch, Chris Y. Hwang, Peter Barra, MD, Victor Orioli, MD, NHP OF INDIANA LLC, ROYAL HEALTH CARE OF LONG ISLAND LLC d/b/a ROYAL HEALTH CARE LLC, ROYAL HEALTH CARE DATA CENTER LLC, NHP HOLDINGS LLC, LINROC

ECF CASE

Removed from NY Supreme Court
County of Kings
Index No. 28352/2009

EDNY Index No. 10-1596 ERK, VVP

NOTICE OF MOTION
Pursuant to Rule 12(b) FRCP

COMMUNITY SERVICES CORPORATION,
INC, THE SCHULMAN AND SCHACHNE
INSTITUTE FOR NURSING AND
REHABILITATION, Inc., AMBOY
PROPERTIES CORPORATION, ROCKREAL
CORPORATION, AMBOY PROPERTIES
CORPORATION, THE LINDEN
FOUNDATION, INC., ROCKREAL
CORPORATION, BROOKDALE FAMILY
CARE CENTERS, INC., THE BROOKDALE
HOSPITAL CENTER HEGEMAN HOUSING
COMPANY, INC., THE BROOKDALE
RESIDENCE HOUSING DEVELOPMENT
FUND CORPORATION, LCSC HOLDINGS,
INC., JAMAICA HOSPITAL STAFF HOUSING
CO., JAMIACA HOSPITAL MEDICAL
CENTER DIAGNOSTIC & TREATMENT
CENTER CORP., JAMAICA HOSPITAL
MEIDCAL CENTER DIAGNOSTIC AND
TREATMENT CETNER CORP., JAMAICA
HOSPITAL NURSING HOME CO. INC.,
HITECH MEDICAL EQUIPMENT, INC., FRR
RECOVERY, TJH MEDICAL SERVICES, PC,
MEDISYS MANAGEMENT LLC,
COMPREHENSIVE THERAPY SERVICES,
MEDISYS VENTURES INC., MEDISYS
SERVICES CORP., JAMAICA HOSPITAL
NURSING HOME CO., INC., MEDISYS
MANAGEMENT LLC, MHN PROPERTIES,
INC., MEDISYS IPA LLP, MEDISYS HOME
CARE INC., VWE PROPERTIES CORP.,
QUEENS REPLACEMENT LLC, INT'L ASSOC.
OF MEDICAL BIKE UNITS

Defendants.

PLEASE TAKE NOTICE, that upon the accompanying Affidavit of Mounir Doss sworn to on April 8, 2010, and Affirmation of Randi Seltzer May dated April 15, 2010, the Complaint and all prior pleadings herein, and for the reasons set forth in the accompanying Memorandum of Law, the undersigned will move this Court, before the Hon. Edward R. Korman at the United

States Courthouse at 225 Cadman Plaza East, Brooklyn, New York 11201 on April __, 2010, or as soon thereafter as counsel may be heard, for an order pursuant to Federal Rules of Civil Procedure 12(b), dismissing the complaint, with prejudice (1) as to defendant entities and individuals as to whom claims are not pleaded; (2) as to defendants who are not-for profit trustees of officers pursuant to Section 702-a of the New York Not-for-Profit Corporations Law; and (3) as to the First, Second, Third, Fourth, Fifth, Seventeenth, Eighteenth, and Nineteenth claims for failure to state a claim upon which relief can be granted, and awarding them such other further relief as the court deems just and proper.

DATED: New York, New York
April 15, 2010

HOGUET NEWMAN REGAL & KENNEY, LLP

By: /s/
Randi Seltzer May (RSM 7115)

10 East 40th Street
New York, New York 10016
(212) 689-8808

TO: Patrick W. Johnson, P.C.
9118 Third Avenue
Brooklyn, New York 11209
(718) 745-5530

Attorney for Plaintiff

TO: Morvillo, Abramowitz, Grand, Iason, Anello & Bohrer, P.C.
565 5th Avenue
New York, New York 10017-2479
(212) 856-9600

Attorneys for Defendant David Rosen